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1 – DuPont plant workers died rushing to help, Houston Chronicle, 11/16/2014

<http://www.chron.com/news/houston-texas/houston/article/DuPont-plant-workers-died-rushing-to-help-5897558.php>

Robert Tisnado, a production operator at DuPont's chemical plant in La Porte, was nearing the end of his shift early Saturday when he heard a colleague call for help from the operations building where she had gone to check on a line.

2 – Plant where workers died reported violations, KHOU, 11/13/14

<http://www.khou.com/story/news/local/2014/11/16/plant-where-workers-died-reported-recent-violations/19142453/>

A plant where four workers died early Saturday after a chemical leak has a record of safety violations that dates back several years.

3 – Was Harris County's high-stakes pollution fight worth it?, Houston Chronicle, 11/14/2014

<http://www.houstonchronicle.com/news/science-environment/article/Was-Harris-County-s-high-stakes-pollution-fight-5894015.php>

Three years ago, Harris County's attorneys filed an ambitious lawsuit over poisonous sludge that had been polluting the San Jacinto River for decades. They wanted to punish those responsible for the mess. They wanted more than \$1 billion in damages. They wanted to send a message to future polluters. But it didn't turn out that way.

4 – Valero Energy Corp.'s Meraux refinery has one flare not working, sending smoke into community, New Orleans Times-Picayune, 11/14/14

http://www.nola.com/environment/index.ssf/2014/11/valero_energy_corps_meraux_ref_2.html#incart_river

Valero Energy Corp.'s Meraux refinery on Friday morning (Nov. 14) had one flare not burning properly, creating smoke that was making its way into surrounding areas.

5 – Database: Western Refining's Bloomfield facility and Farmington's sewage plant have been violating environmental laws, Farmington Daily Times, 11/15/2014

http://www.daily-times.com/four_corners-news/ci_26945135/western-refining-farmington-violating-epa-laws

Western Refining's Bloomfield facility and Farmington's sewage plant have been in violation of federal environmental laws for years, according to an Environmental Protection Agency database.

6 – Louisiana submits requests for project funding from spill penalty money, Baton Rouge Advocate, 11/17/2014

<http://theadvocate.com/news/10816252-123/louisiana-submits-requests-for-project>

State officials are submitting four projects and one program to the Gulf Coast Ecosystem Restoration Council and hope at least a few will rise to the top to receive funding from a part of the BP oil spill penalty money.

7 – Oklahoma Outcry Continues Against EPA's 'Waters of the United States' Rule, NPR StateImpact, 11/14/2014

<http://stateimpact.npr.org/oklahoma/2014/11/14/oklahoma-outcry-continues-against-epas-waters-of-the-united-states-rule/>

Since the federal Clean Water Act first became law in 1972, there's been confusion over which bodies of water qualify for protection under its provisions. Enter the U.S. Environmental Protection Agency's Waters of the U.S. rule, which means to bring clarity to the situation.

8 – Possible EPA water regulation worries ranchers, golfers, WFAA, 11/14/2014

<http://www.wfaa.com/story/news/nation/2014/11/14/golfers-and-ranchers-share-concerns-over-epas-possible-clean-water-act/19062097/>

A proposed change to the Clean Water Act being floated by the Environmental Protection Agency is drawing some concern from unlikely partners: ranchers and golfers.

9 - System cleaning byproducts found in Calhoun County water, Victoria Advocate, 11/15/2014

<http://www.victoriaadvocate.com/news/2014/nov/14/system-cleaning-byproducts-found-in-calhoun-county/>

The state environmental agency found an excess of cleaning byproducts in Port O'Connor and Port Lavaca drinking water supplied by Guadalupe-Blanco River Authority.

10 – 'Chlorine burn' to kill brain-eating amoeba in St. John's water extended beyond 60 days, New Orleans Times-Picayune, 11/14/2014

http://www.nola.com/politics/index.ssf/2014/11/chlorine_burn_to_kill_brain-eating_amoeba_in_st_johns_water_extended_beyond_60_days.html#incart_river

Tuesday will mark the end of a 60-day "chlorine burn" period mandated by the state to eradicate a potentially deadly brain-eating amoeba from part of the St. John the Baptist Parish water system. But Parish President Natalie Robottom said it will continue until the Louisiana Department of Health and Hospitals re-tests the water next month.

11 – Settlements reached in Texas river pollution case, Houston Chronicle, 11/14/2014

<http://www.chron.com/news/texas/article/Settlements-reached-in-Texas-river-pollution-case-5892289.php>

Two of three businesses targeted by Harris County prosecutors in a lawsuit over polluting the San Jacinto River with poisonous paper-mill waste have agreed to pay \$29 million to the county and state. The county on Thursday resolved its claims against McGinnes Industrial Maintenance Corp. and Houston-based Waste Management Inc.

12 – China emissions deal doesn't change much -- yet -- for coal industry, The Oklahoman, 11/14/2014

<http://newsok.com/china-emissions-deal-doesnt-change-much-yet-for-coal-industry/article/feed/759750/?page=2>

The U.S.'s pledges appear to be made based on a calculation of what Obama and future presidents, using executive authority, can do without Congress, said Tim Profeta, director of the Nicholas Institute for Environmental Policy Solutions at Duke University.

DuPont plant workers died rushing to help

Investigators seek cause of gas leakthat killed four at La Porte facility
By Mike Morris | November 16, 2014 | Updated: November 16, 2014 10:19pm

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DuPont employees and brothers, Robert Tisnado, left, 39 and Gilbert "Gibby" Tisnado, right, 48, died in the DuPont La Porte chemical leak Saturday. (Family Photos)

Robert Tisnado, a production operator at DuPont's chemical plant in La Porte, was nearing the end of his 12-hour shift early Saturday when he heard a female colleague call for help from the operations building where she had gone to check on a line.

The 38-year-old Pasadena native rushed inside, followed by crew supervisor **Wade Baker**, 60. The men, not carrying masks, were overcome by a cloud of toxic methyl mercaptan, according to accounts given to the Tisnado family.

After losing radio contact with his three co-workers, Robert's brother, board operator **Gilbert "Gibby" Tisnado**, 48, grabbed a gas mask and ran in to help, according to relatives' accounts. He removed his mask and tried to place it on his little brother, but it was too late for all of them.

The four plant workers died after methyl mercaptan exposure, a rare outcome for the common, yet dangerous, chemical used to give natural gas its rotten-egg smell and as a feedstock for insecticides and fungicides. The chemical is used by the plant's crop protection unit, which takes up about half of DuPont's 800-acre, 320-employee complex.

"This is a risk we all take," said the Tisnado brothers' father, Gilbert Tisnado, also a chemical plant worker. "If you go work at a plant, you never know if you are going to come back home. ... It was a freak accident. For us, it was a double whammy."

Family had a long wait

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Though DuPont informed law enforcement officials that there were "unresponsive individuals" at the plant around 6:30 a.m., none of those who perished was transported to a hospital. Company officials did not inform the Tisnados of the deaths until county medical examiners made a formal ruling around 2 p.m., following the family's calls for information.

Plant personnel with protective gear determined the workers likely were dead before 7 a.m., DuPont spokesman **Aaron Woods** said, but medical examiners lacked the equipment to enter the area until it was no longer contaminated, after which point the families were informed. The firm waited to notify families out of "an abundance of caution," Woods said.

By the time DuPont officials came to his door, Gilbert Tisnado didn't need to be told his sons were dead.

"We were a really close family. We called each other all the time. Before and after work," he said. "When we didn't get a call or responses on their phones, we assumed the worst."

Tisnado said he holds no animosity toward the company over the information delay. He also said he is not surprised Gibby sought to save his younger brother.

"They weren't heroes. That's just the kind of people they were," he said. "They were family men. They were hard-working. They would take off their jackets and give it to the homeless."

Wayne Von Euw, 61, Robert Tisnado's uncle, described him as a good father.

"He's real and full of life," he said. "He never met a stranger. If he saw you for the first time, he can start talking to you like he's known you forever."

Woods said the company is providing support to the families while it assists investigators and conducts its own review.

"We're working closely with local, state and federal authorities as they conduct a thorough investigation into the incident," Woods said in a statement. "As we emphasized yesterday, the investigation is extremely thorough and will take some time."

Citations, fines were given

DuPont's La Porte plant, in the 11600 block of Strang Road, has a checkered history with chemical and effluent emissions violations.

Over the past five years, the facility has received dozens of citations and been ordered six times to pay fines by the **Texas Commission on Environmental Quality**, with a seventh penalty

pending. The biggest penalty came in November 2012, when the state levied a \$91,125 fine for emissions after two reviews showed a failure to limit residual chlorine, methomyl and other effluents. DuPont paid about 40 percent of the fine and made a similarly sized contribution to a pollution prevention project that restored a shoreline in Galveston Bay. TCEQ considers the facility's compliance to be "satisfactory."

The DuPont facility also has run afoul of federal regulators. This April, the Environmental Protection Agency ordered the plant to limit its excessive discharges, and in 2007 the **Occupational Safety and Health Administration** also assessed a small fine for the unsafe handling of hazardous chemicals.

The plant also recently has violated the Clean Water Act twice. In August, the facility was fined \$26,000, two years after it had been assessed a \$91,000 penalty for crossing the same law.

An eight-member team from the **Chemical Safety Board** began arriving on Sunday to launch its investigation into Saturday's leak.

The agency's managing director, **Daniel Horowitz**, said the team will begin by meeting those involved, interviewing witnesses, examining the plant and gathering evidence. He said the agency, charged with examining industrial chemical accidents resulting in death, serious injury or substantial property damage, already has filed an extensive request for documents with DuPont.

Horowitz said this investigation appears to be the first his agency has encountered of a fatal methyl mercaptan release but said he is not yet sure what conclusions to draw from that rarity.

"It's a toxic material, it's on multiple lists, it commands the highest level of regulatory scrutiny, so when there are this many deaths associated with a chemical like that, it raises all sorts of questions," he said. "Ultimately, of course, we want to learn why this happened in detail so that it can be prevented in the future. In as much as four people tragically died in this, there was obviously some sort of breakdown, so we'll have to figure out what that was."

Rock Owens, who oversees environmental issues in the Harris County Attorney's Office, said fatalities caused by the chemical are rare, but Owens recalled at least three incidents in the last decade in which county residents became ill from exposure. The county's own pollution control department had to evacuate its Pasadena headquarters after a methyl mercaptan release last year, he said.

"It made some people sick. It is not an innocuous substance," Owens said. "Its potential toxicity might be a little underrated by people."

Fatal incident in 2001

The last apparent fatal incident occurred in July 2001, when a rail car holding the chemical leaked when it was being unloaded at a plant in Michigan and the gas ignited, killing three workers; 2,000 neighbors also were evacuated.

Whether from spills, leaks or even normal industrial operations, the substance in recent years has spurred complaints, hospital trips and evacuations, in Pennsylvania, Colorado, Michigan, Maine, New Hampshire, California and Washington.

In Texas City, a 2011 release of multiple pollutants, including methyl mercaptan, at a refinery then owned by BP led to a partial evacuation of a neighboring chemical plant.

The chemical's odor lingered for most of Saturday, reaching about 40 miles to Rosenberg and Sugar Land. Authorities said air-quality tests showed neighbors were never in danger, saying the gas dissipated into an amount that isn't considered hazardous.

"Yes, there was a nuisance odor, and it stunk and it traveled to Sugar Land, but the processes worked," said Jeff Suggs, La Porte's emergency services coordinator, adding that he thinks DuPont's scrubber system and its communication with officials worked as planned. "It's just an unfortunate incident, and DuPont will have to determine how it happened. It's a tragedy across the community."

Denise Pool, who lives near the DuPont plant, said she smelled something fishy but attributed it to the bay.

"I always worry, since we live so close to the chemical plants. We were worried the air was still contaminated," she said. "The city had made a call out on the phone lines; they notified us; they said it was OK. I think it was downplayed, exactly how scary it was."

Those who come into contact with methyl mercaptan can become nauseated and develop headaches if exposed to as little as 4 parts per million for several hours, according to the Centers for Disease Control and Prevention. OSHA's permissible exposure limit for the chemical is 10 parts per million, and the substance becomes toxic at 150 parts per million, said the Chemical Safety Board's Horowitz.

John Morawetz, the acting health and safety director for the International Chemical Workers Union, said the union would be joining DuPont, OSHA and the chemical board in a thorough investigation. "We will cooperate fully in trying to get to the bottom of this," Morawetz said. "It's way too early to tell what happened, but there was clearly a huge release of a product that has a very strong odor threshold."

Theodore Schleifer, Karen Chen, Cindy Horswell and Laura Gillespie contributed to this report.

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Plant where workers died reported recent violations

Neena Satija, Texas Tribune 4:58 p.m. CST November 16, 2014

State records show that in the last five years, the plant has been cited at least two-dozen of times by the Texas Commission on Environmental Quality for violating state law



(Photo: KHOU)

A plant where four workers died early Saturday after a chemical leak has a record of safety violations that dates back several years, a Texas Tribune review of state records shows.

The DuPont chemical plant in La Porte, 30 miles southeast of Houston, makes products like alcohol resins and a popular insecticide called Lannate. The workers died after an estimated 100 pounds of the chemical methyl mercaptan leaked due to a faulty valve, the company told [local media](#) ([/story/news/nation/2014/11/15/4-workers-killed-in-chemical-leak-at-texas-plant/19104375/](#)). Methyl mercaptan, a primary component of Lannate, can cause nausea, vomiting, fluid buildup in the lungs and other symptoms; even in small amounts, exposure to it can be deadly.

Related: [4 workers killed in DuPont chemical leak \(/story/news/local/2014/11/15/storage-leak-has-la-porte-in-a-stink/19085759/\)](#)

DuPont spokesman Alan Woods said in an email, "We're working closely with local, state and federal authorities as they conduct a thorough investigation into the incident."

State records show that in the last five years, the plant has been cited at least two dozen times by the Texas Commission on Environmental Quality for violating state law. It has failed to perform routine safety inspections, keep equipment in proper working order and prevent unauthorized pollution leaks, according to violation notices issued by the agency. In a few instances, the agency demanded fines of a few thousand dollars from DuPont for more serious lapses.

At least one of the previous fines levied against DuPont was issued for a pollutant leak that occurred in October 2009 — also at a unit of the plant that manufactures Lannate. Too much pressure had built up in a vent system, causing a relief valve to open and spew out 3,700 pounds of methylene chloride, a "hazardous air pollutant," according to state records. More commonly known as dichloromethane, exposure to it in high enough concentrations can cause lightheadedness, nausea and vomiting. It's also considered a potential carcinogen.

At that time, the TCEQ fined DuPont about \$10,300 for failing to prevent the release and for reporting the incident five days late. The company ultimately paid \$8,269, with the rest deferred "upon timely and satisfactory compliance," records show.

Related: [Brothers among four killed in DuPont leak \(/story/news/local/2014/11/15/brothers-among-four-killed-in-dupont-leak/19121501/\)](#)

DuPont gave its employees additional safety training after that incident and added more information about potential dangerous leaks to the safety records for its Lannate manufacturing unit, according to state records.

But it wasn't the plant's last violation. In August 2013, the company reported that malfunctioning equipment leaked 40 pounds of chlorine — also a component of Lannate that can cause significant health impacts. In March, DuPont told the agency that a gas vent had inadvertently opened and released 110 pounds of the toxic gas carbon monoxide into the atmosphere.

In another incident in late September, the chemical plant released 36,500 pounds of sulfur dioxide in three hours, well above its allowed limit. DuPont told the TCEQ that an inexperienced operator had not spotted a malfunctioning valve and that the company was investigating the incident. While sulfur dioxide isn't toxic in gas form, it is a contributor to ozone pollution.

The TCEQ reports that DuPont is in "satisfactory" standing in terms of following the state's environmental laws. Spokesman Terry Clawson said the agency's emergency responders are on-site at the plant.

"The TCEQ's investigation of DuPont's compliance with environmental statutes and regulations will begin in earnest," Clawson said, after investigators determine that DuPont "is no longer in an emergency status."

Marcos Vanetta and Alexa Ura contributed to this report.

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NEWS

Was Harris County's high-stakes pollution fight worth it?

County got low damages, with one defendant let off hook, leading some to say high-stakes battle not worth it

By Matthew Tresaugue

November 14, 2014 Updated: November 14, 2014 8:58pm



Photo: Houston Chronicle File

A sign warns against eating contaminated seafood caught from the San Jacinto River near the waste pits where poisonous sludge was stored. A Harris County lawsuit was lenient on those the county said were responsible.

They wanted so much more.

Three years ago, Harris County's attorneys filed an ambitious lawsuit over poisonous sludge that had been polluting the San Jacinto River for decades. They wanted to

punish those responsible for the mess. They wanted more than \$1 billion in damages. They wanted to send a message to future polluters.

But it didn't turn out that way. Harris County received pennies on the dollar in a settlement of the high-stakes case that ended Thursday. None of the money was set aside for the environment. And one of the three companies targeted by the county was absolved of responsibility by the jury.

A day later, the outcome led some to question what the case was all about.

"I'm not sure what we accomplished for all this time and effort," Harris County Judge Ed Emmett said Friday.

But Terry O'Rourke, special counsel with the Harris County Attorney's Office, said the county came out ahead, even if it was a partial victory.

"It may seem like a small outcome," O'Rourke said, "but it's big under Texas environmental law."

Because of the legal fight, Waste Management of Texas and McGinnes Industrial Maintenance Corp. agreed to pay nearly \$30 million to resolve all of the county's claims. The money, however, will be split among the county, the state and their outside attorneys.

That leaves \$10 million or so for a county with an annual operating budget of \$2.3 billion. The money will go into its general fund, for now.

Harris County Attorney Vince Ryan intends to ask the Commissioners' Court to spend the settlement money on environmental and recreational projects near the location of the pollution problem.

Commissioner Jack Morman, whose precinct includes the waste pits, said he would like to use the money "to make up for this catastrophe and give people another place in the area where they can enjoy nature."

The money will not be used toward the cleanup of the east Harris County site, where paper-mill waste was buried in three pits in the 1960s. The toxic sludge later leaked into the river, making it one of the most polluted waterways in the nation.

The Environmental Protection Agency is in charge of the cleanup, and federal law requires those responsible for the mess to pay for the remediation. International Paper Co., which produced the waste, and McGinnes, which owned and operated the site before becoming part of Waste Management in 2005, so far have paid about \$9 million to contain the sludge under an armored cap.

Harris County's suit went beyond the EPA's work, seeking penalties of up to \$25,000 a day under Texas law for releases of dioxin into the river over 35 years. The suit asserted that the sludge had taken away recreational uses and commercial fishing from county residents.

In his closing argument, Winstrol "Winn" Carter, an attorney representing International Paper, told the jury that the county's case was about money, not environmental protection. The jury agreed, finding that the Memphis-based company was not liable for the pollution.

O'Rourke said Harris County intends to appeal the verdict.

"You have to penalize the big companies when they don't comply with the law," he said. "It has tremendous effect as a deterrent."

While still supportive of the county's legal efforts, some environmentalists were disappointed with the results.

Jim Blackburn, a noted environmental attorney who was not involved in the case, said he did not want to see the money from the settlement go to the county's general fund, where it could be used for purposes not related to the waste pits.

"It should go to the good of the environment," he said.

Bob Stokes, president of the Galveston Bay Foundation, raised similar concerns but said he remains hopeful that "some good would come from the funds."

The advocacy group submitted a list with up to \$76 million in projects to the county and Waste Management before the trial. The list includes funding research, acquiring coastal lands and restoring oyster reefs and marshes, which are critical habitat for shrimp, crab and fish and act as nature's speed bumps against storm surge.

"Even if it's just \$10 million, that's still \$10 million," Stokes said. "There is still an opportunity to do good work out there."



Everything New Orleans

Valero Energy Corp.'s Meraux refinery has one flare not working, sending smoke into community

Benjamin Alexander-Bloch, NOLA.com | The Times-Picayune By Benjamin Alexander-Bloch, NOLA.com | The Times-Picayune

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on November 14, 2014 at 11:34 AM, updated November 14, 2014 at 11:52 AM

Valero Energy Corp.'s Meraux refinery on Friday morning (Nov. 14) had one flare not burning properly, creating smoke that was making its way into surrounding areas.

Nearby residents reported that the smoke plumes began about 6 a.m. Friday. State Department of Environmental Quality spokesman **Tim Beckstrom** said about 10:30 a.m. Friday that the smoke might continue for the next several hours.

By 11 a.m. the plume had changed from dark black smoke to white smoke, usually an indication that the event would soon end.

Beckstrom said that the refinery's south flair was not burning properly but that Valero was downwind along both the east and west banks' of the Mississippi River for sulfur dioxide and hydrogen sulfide and that there had been no detections of those chemicals.

Beckstrom said the gases being sent to the flair "are suspected to be methane, ethane, propane, butane, light hydrocarbons and hydrogen."

"No reportable quantities have been reported as being exceeded at this time," he said on Friday morning, adding that **DEQ** is monitoring the situation.

He said that Valero was in the process of rerouting the gases to the north flare, which was operating properly.

At about 11:30 a.m. Friday, Bill Day, a spokesman for Valero, said "At this time it appears there was no significant environmental impact in the community surrounding the plant" from the morning incident.

Suzanne Kneale, a member of the **Concerned Citizens Around Murphy** a neighborhood environmental action group, said the morning event "is so disappointing."

"Valero promised our community the old Murphy refinery would be overhauled and improved or it wouldn't remain in the Valero fleet," she said. "Three years later and residents are wondering what else may be in

store.

"This is a community revitalized by residents who returned to rebuild smarter and safer and we expect the same from industry and business."

Complaints about refineries in the parish can be emailed to the St. Bernard Parish government at **complaintsIssues@sbpg.net** or residents can call the **Department of Resident Services and Compliance** at 504.278.4224. Complaints can also be made to Valero directly by calling its hotline at 504.271.4141.

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Database: Western Refining's Bloomfield facility and Farmington's sewage plant have been violating environmental laws

By Dan Schwartz The Daily Times

Updated: 11/15/2014 03:02:36 PM MST

Daily-
Times.com

FARMINGTON — Western Refining's Bloomfield facility and Farmington's sewage plant have been in violation of federal environmental laws for years, according to an Environmental Protection Agency database.

The Bloomfield refinery has been cited for numerous high-priority violations of the Clean Air Act since October 2011 and numerous violations of the Resource Conservation and Recovery Act since January 2012, according to the database.

And since July 2011, Farmington's Waste Water Treatment Plant has been cited for numerous violations of the Clean Water Act, according to the database.

The EPA database tracks only the three previous years of inspections, 2014 to 2011. The most recent quarter — from July 1 to Sept. 30 — is still being verified. Inspection data from previous years was not immediately available Friday.

The three acts were established in the 1970s and regulate pollution of the air, land and water. The Clean Air Act, established in 1970, regulates air pollutants such as smog, acid rain and chemicals that damage the ozone layer. The Resource Conservation and Recovery Act was established in 1976 to regulate hazardous waste. The Clean Water Act was established in 1972 and regulates pollution discharges into natural bodies of water.

"We've been inspected by state authorities (for the EPA) under both the CAA and RCRA," Western Refining spokeswoman Peg Mulloy said in an email late Friday, "and the inspections did not result in any enforcement activities."

Mulloy did not say what Western Refining is doing to correct the violations. The EPA's database indicates none of the Clean Air Act violation have been addressed.

For one quarter, January to the end of March 2013, Western Refining was cited for violating the reporting requirements of the New Mexico Environment Department's intervention plan, according to the database.



Farmington's violations are a well-known fact, said Ron Rosen, local project director of CH2M Hill, a city contractor. The sewage plant releases more dissolved salt into the river than the Clean Water Act allows, he said. But fixing the problem would cost \$60 million to \$70 million, he said.

"We've been fighting it for several years, saying that this is not practical," he said, describing the requirements as a "horrible hammer hanging over

The entrance to the city of Farmington's Wastewater Treatment Plant as seen Friday. the city."

In an effort to comply, city officials required many industries to disconnect from the city's sewer system, he said. This drastically reduced the amount of salt the city was discharging, but it wasn't enough, he said.

Domestic water softeners, which treat tap water with salt, account for most of the salt in the city's sewer system, he said. But the city can't tell its citizens not to use them, he said.

City officials are also planning an estimated \$14 million upgrade of its sewage plant, which they hope to fund with bonds, that includes a new ultraviolet-light system that will reduce how much salt is discharged. It will also reduce the pollution of E. coli, a bacteria found in feces.

The San Juan — downstream of Farmington — Animas and La Plata rivers exceed state standards for that bacterium, according to state documents.

Rosen said city officials are negotiating with the EPA, hoping to get an exception from the strict salt-discharge standards.

The EPA database also lists the Farmington Electric Utility System's power plants — Animas and Bluffview — which the city owns, as violating the Clean Water Act. But Michael Sims, its director, said that's an error.

"All that history there ... is wrong," he said, referring to approximately three years worth of violations listed on the database. "We haven't had any violations at that plant at all."

He said his staff will contact EPA officials on Monday to have the errors corrected, which he thinks were made when entering data. He said the city never received notice from the EPA about the violations.

Efforts Friday to reach EPA officials to comment on whether the violations were valid were unsuccessful.

Dan Schwartz covers government for The Daily Times. He can be reached at 505-564-4606 and dschwartz@daily-times.com. Follow him @dtdschwartz on Twitter.

Louisiana submits requests for project funding from spill penalty money

By AMY WOLD

awold@theadvocate.com

State officials are [submitting](#) four projects and one program to the Gulf Coast Ecosystem Restoration Council and hope at least a few will rise to the top to receive funding from a part of the BP oil spill penalty money.

As part of the RESTORE [Act](#), the [council](#) has control over a part of the funding that will come from penalties and fines resulting from the 2010 Deepwater Horizon disaster. About \$150 million to \$240 million will be available in this first round, and each of the 10 council members, including Louisiana, gets to submit five projects for consideration, said Kyle Graham, director of the state [Coastal Protection and Restoration Authority](#).

The four projects Louisiana has submitted are asking for funding to do engineering and design, planning and other preconstruction needs, he said.

Those four projects are:

- Golden Triangle Marsh Creation in the marsh area between Lake Borgne and the intersection of the Mississippi River Gulf Outlet and the Gulf Intracoastal Waterway. Ultimately, the \$50 million project would create 600 acres of new wetlands, restore ailing marsh and help reduce wave erosion in the area. The project is in the Bayou Sauvage National Wildlife Refuge. The state is asking the council for \$4.35 million.
- Mississippi River Reintroduction into Maurepas Swamp Project to divert a small portion of the river just upriver from LaPlace into the Maurepas Swamp. The intent of the \$186 million project would be to allow 2,000 cubic feet per second of water into the swamp to help bring back fresh water and some sediment to the system. The state estimates the project could help maintain more than 45,000 acres of land in the swamp. The council will get a request for \$14 million to help advance the planning for the project.
- Biloxi Marsh Living Shoreline Project would build oyster reefs along sections of the shoreline to help connect existing oyster reefs in the area. As these shorelines attract oysters, they grow to help protect the marsh shoreline

behind them from wave action and erosion. The \$57 million project would create 47,000 feet of oyster reefs along the east shore of the Biloxi Marsh. The state is asking the council for \$3.2 million.

- West Grand Terre Beach Nourishment and Stabilization Project is a barrier island restoration project to build 12,700 feet of beach and dune as well as more than 60 acres of marsh at the back of the island. The state is asking the council for \$7.2 million to help with engineering, design and other preconstruction work. The total project will cost about \$65 million.

The fifth request is for \$16.1 million to fund a lower Mississippi River Management program to develop and update plans on how the lower river is managed for coastal restoration as well as navigation and flood control.

Follow Amy Wold on Twitter, @awold10.

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OKLAHOMA

Economy, Energy, Natural Resources: Policy to People

Oklahoma Outcry Continues Against EPA's 'Waters of the United States' Rule

NOVEMBER 14, 2014 | 12:56 PM

BY [LOGAN LAYDEN](#)

Since the federal [Clean Water Act](#) first became law in 1972, there's been confusion over which bodies of water qualify for protection under its provisions. Enter the U.S. Environmental Protection Agency's [Waters of the U.S.](#) rule, which means to bring clarity to the situation.



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What it actually has done is cause a lot of controversy. The EPA and U.S Corps of Engineers are taking comment on the rule, and hearing a lot complaints from officials in Oklahoma. Attorney General Scott Pruitt was one of 11 state AGs who wrote a [letter to the EPA and Corps](#) in early October calling the scope of the federal government's proposed rule "truly breathtaking."

Now, Gov. Mary Fallin and the Oklahoma Farm Bureau are submitting their letters of opposition.

Fallin's letter calls the proposed WOTUS rule a "power grab":

"The EPA and the Corps are imposing an additional layer of bureaucracy instead of providing common sense and clarity in the WOTUS proposal," said Fallin. "This proposal is confusing and is going to delay development of critical infrastructure. It also makes development rights of Oklahomans more ambiguous and will have a negative impact on our economy. Since EPA and the Corps failed to provide meaningful consultation during development of the proposed rule with the states or the regulated community they have developed an unworkable solution that must be withdrawn."

Oklahoma Farm Bureau is also **full-throated in its opposition**:

OKFB is concerned that the proposed rule's categories of "waters of the United States" and associated definitions are overbroad and ambiguous, suffer from a variety of legal infirmities, and are not supported by the science. Contrary to the agencies' assertions, the proposed rule will lead to more confusion for regulators and the regulated community, and will by no means establish the certainty or predictability the agencies claim.

Conservatives and groups like the Farm Bureau worry the new rule would give the federal government control of pretty much every bit of water in the country, even ditches and dry ponds that only hold water when it rains. In its letter, the Farm Bureau says "remote features on the landscape that carry only minor water volumes (e.g. ephemeral drainages,

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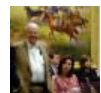


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storm sewers and culverts, directional sheet flow during storm events, drain tiles, man-made drainage ditches and arroyos), would now automatically be subject to federal CWA jurisdiction.”

But **as StateImpact reported in September**, the EPA officials say farmers’ fears are unfounded, that exemptions have been carved out for pretty much any regular farming or ranching activity, and that the proposed rule actually includes fewer waterways than are covered now.

“People are now wondering, ‘Oh, if the words are going to change, is it going to substantially change the meaning.’ And we actually — we don’t see it that way,” Ken Kopocis with the EPA’s Water Office says.

Whatever final form the WOTUS rule takes, it seems probably that states like Oklahoma will sue to block it.

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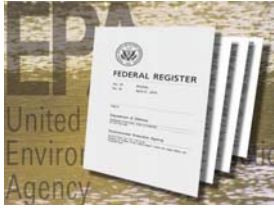
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Crackling Campfires

Possible EPA water regulation worries ranchers, golfers

Todd Unger, WFAA 10:32 p.m. CST November 14, 2014



(Photo: WFAA)

NORTH TEXAS – A proposed change to the Clean Water Act being floated by the Environmental Protection Agency is drawing some concern from unlikely partners: ranchers and golfers.

But the way Tommy Calvert sees it, everyone should be concerned.

"This just isn't something that is going to impact a few," Calvert said.

The life-long Denton resident has been farming more than 100 spread-out acres for decades. He's concerned about a proposal for a new "Water of the U.S." rule, which he fears will inhibit how he manages the small streams, tributaries, and a pond on his property.

"If I decided I needed to do something to control that drainage or help keep that water, it would mean I need a federal permit and even then they might say, 'No, you can't do that,' even after that," he said.



Rancher Tommy Calvert (Photo: WFAA)

The EPA is trying to clarify its authority over "other waters," as [this 88-page proposal outlines](http://www.gpo.gov/fdsys/pkg/FR-2014-04-21/pdf/2014-07142.pdf) (<http://www.gpo.gov/fdsys/pkg/FR-2014-04-21/pdf/2014-07142.pdf>). Traditionally, the agency had oversight with "navigable" waterways, like rivers, major streams, and lakes.

Some court decisions a number of years ago muddled the water on exactly where the agency's oversight begins and ends, and Calvert said the general consensus from his farming friends is that a change is on the way.

Mark Claburn knows all about murky water, too. He's a golf course superintendent for Arlington's Tierra Verde Golf Club.

He said part of the problem is that, from farmers to golfers, the latest effort by the EPA to clarify its authority now looks like an attempt to gain even more oversight.



A proposed change to the Clean Water Act being floated by the EPA is drawing some concern from unlikely partners: ranchers and golfers. News 8's Todd Unger has more. WFAA

"It has been a little confusing, and a lot of golf bodies are against, because of what it could mean on our courses," Claburn said. "Golf courses use less than one-half-of-one-percent of municipal water sources. They're mainly using collection ponds, storm water, etc."

He said his course's waterways are already subject to oversight from the Tarrant Regional Water District and the Texas Commission on Environmental Quality.



Tierra Verde Golf Club in Arlington.(Photo: WFAA)

"We work really well with them," he said.

The EPA is fighting back against what it calls the "myths" of the proposal. There is [a YouTube video \(https://www.youtube.com/watch?v=svi9mN4v5IQ#t=41\)](https://www.youtube.com/watch?v=svi9mN4v5IQ#t=41) and [an entire website \(http://www2.epa.gov/uswaters\)](http://www2.epa.gov/uswaters) dedicated to explaining what the proposal intends to do, saying more than 60 percent of streams don't have the right protection.

The agency declined an interview, but did refer News 8 to an op-ed piece written by the agency's acting director of the Water Office.

In it, Ken Kopicis states that they are simply trying to clarify the agency's jurisdiction for the the purposes of clean water.

"The agencies' intent is to protect clean water without getting in the way of farming and ranching," he wrote. "Normal farming and ranching — including planting, harvesting, and moving livestock — have always been exempt from Clean Water Act regulation, and our proposal doesn't change that."

He said ditches and smaller waterways wouldn't be subject to regulation, either.

The public comment on the proposal ended Friday. A final decision could come in the next few months.

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System cleaning byproducts found in Calhoun County water



By Sara Sneath (/profiles/staff/ssneath/55/)

Nov. 14, 2014 at 10:39 p.m.

Updated Nov. 15, 2014 at 1:16 a.m.

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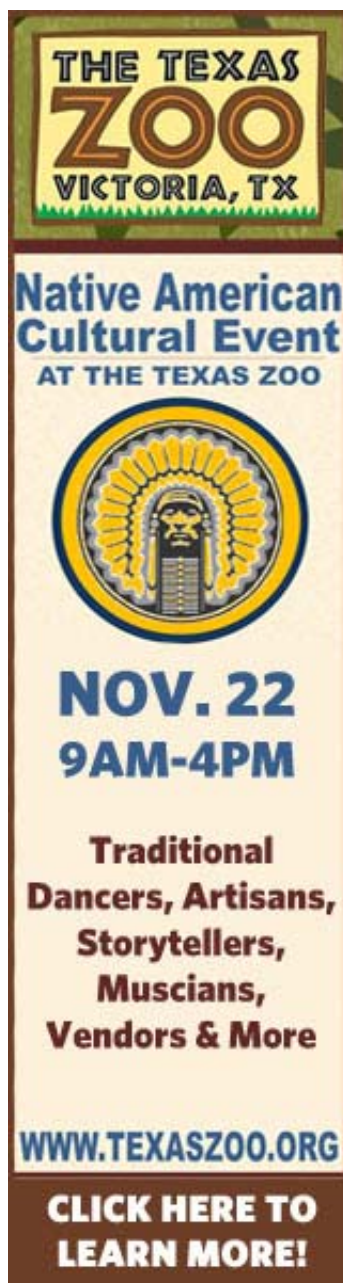
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  3

The state environmental agency found an excess of cleaning byproducts in Port O'Connor and Port Lavaca drinking water supplied by Guadalupe-Blanco River Authority.

The state environmental agency's water sample was taken shortly after a one-month period when the river authority alternated its disinfection method, according to a letter to GBRA customers. During this one-month period, the amount of disinfection byproducts was elevated.



To protect public health, the Environmental Protection Agency stipulates that the level of disinfection byproducts - called trihalomethanes - cannot exceed 80 parts per billion in public drinking water distribution systems. The agency estimates drinking two liters of water containing 100 parts per billion of the cleaning byproducts every day for 70 years could result in three additional cases of cancer for every 10,000 people.

Water samples taken by the state environmental agency during the third quarter found levels of trihalomethanes at 114 parts per billion and 122 parts per billion, according to a letter from Port O'Connor Improvement District to residents.

Cities that use river water as a drinking water source face naturally occurring film buildup in their pipes. The film is known to harbor bacteria and pathogens. To prevent film buildup, the river authority alternates its disinfection method during a 30-day period in late summer, according to the river authority letter.

During this period, there is a higher level of disinfection byproducts caused by chlorine's reaction with organic matter in the water during the disinfection process.


The Texas Commission of Environmental Quality took a water sample shortly after the 30-day period when elevated levels of disinfection byproducts were present, according the river authority letter.


The river authority is working with the state environmental agency to ensure future water sampling is more representative of the everyday levels of disinfection byproducts found in Port Lavaca and Port O'Connor drinking water. The agency is also working to prevent disinfection byproducts during the water treatment, according to the authority's letter.


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Everything New Orleans

'Chlorine burn' to kill brain-eating amoeba in St. John's water extended beyond 60 days

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on November 14, 2014 at 6:59 PM, updated November 14, 2014 at 7:25 PM

Tuesday will mark the end of a 60-day "chlorine burn" period mandated by the state to eradicate a potentially deadly brain-eating amoeba from part of the **St. John the Baptist Parish** water system. But Parish President Natalie Robottom said it will continue, with workers flushing the system with elevated chlorine levels, until the Louisiana Department of Health and Hospitals **re-tests the water** next month.

The test for the *Naegleria fowleri* amoeba is scheduled Dec. 3. It will take about 1 and 1/2 weeks to get results, a Health Department spokeswoman said.

"I am relieved that this phase of the emergency requirements has been met and residents can be assured that the water is safe for all purposes," Robottom said Friday. "However, compliance with state and federal regulations is ongoing, and we will continue to make the necessary changes to prevent this from happening again."

State health officials have said they don't think the amoeba is still active in St. John Water District No. 1 because the system's pipes have been consistently flushed with pure chlorine since Aug. 28. That, coupled with cooler temperatures, makes it is unlikely that the parasitic organism remains, they say. The *Naegleria fowleri* amoeba is said to dwell in warm, non-chlorinated water.

However, a definitive answer won't be known until state officials receive the results of the Dec. 3 re-test, which means the required chlorine burn remains in place, Hospitals Department spokeswoman Olivia Watkins said. "We won't issue any sort of final clearance until we get that sample back," Watkins said. "There's nothing that we can really say until then."

The parasitic organism, which can be deadly if it enters the nasal cavity and reaches the brain, was detected in samples taken Aug. 12 in the Lions water treatment plant, which serves 12,577 residents in Reserve, Garyville, Mount Airy and a small part of LaPlace. The state received the test results and announced the results on Aug. 27, and the Robottom administration began the chlorine burn Aug. 28.

The state's minimum residual level is 0.5 milligrams of chlorine per liter of water, which health officials say is

the level that's been shown to prevent the amoeba from forming. But since the amoeba was detected, St. John Parish has been required to maintain a chlorine burn level of 1 mg/L.

The 60-day clock on the burn did not start until Sept. 18. That's because St. John first had to maintain 1 mg/L of chlorine throughout the system, as indicated by sampling at 70 state-approved sites.

While the chlorine burn might soon end, the fallout has been far-reaching:

- The St. John Parish public school system **spent \$15,000 on bottled water** for about two months. It has ended that practice, however, and reopened water fountains at the six schools in the Water District No. 1 service area. School system spokeswoman Jennifer Boquet said samples taken by the state at the schools in October indicated the chlorine was at the required levels, so the faucets were cleaned and brought back online.
- Two Utilities Department inspectors **have been indicted** on charges of malfeasance in office and maintaining false public records. The indictment accuses Kevin Branch and Danielle Roussel of lying about taking water samples and intentionally recording false data regarding those samples. They have been suspended without pay. Their attorneys say they are innocent and are being made to take the blame for following the orders of their supervisors. A District Court judge has issued a gag order on the case, forbidding all parties to discuss it publicly.
- The Parish Council has called for Robottom to **fire Utilities Director Virgil Rayneri**, saying he has not managed the department properly. Robottom refused.
- Lawsuits have been filed against the parish charging that negligence in maintaining the water system has caused injury and sickness to residents because of the high chlorine levels.
- Repeated threats of a recall petition aimed at Robottom have been voiced at public meetings, although no petitions has not materialized as of yet.
- Local residents contacted celebrity consumer advocate Erin Brockovich, who **sent her chief environmental investigator** to host a town meeting, generating negative national publicity. Brockovich has posted several items on social media about St. John's water contamination.

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Settlements reached in Texas river pollution case

| November 14, 2014 | Updated: November 14, 2014 5:28am

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HOUSTON (AP) — Two of three businesses targeted by Harris County prosecutors in a lawsuit over polluting the San Jacinto River with poisonous paper-mill waste have agreed to pay \$29 million to the county and state.

The county on Thursday resolved its claims against **McGinnes Industrial Maintenance** Corp. and Houston-based Waste Management Inc., the **Houston Chronicle** (<http://bit.ly/1qH3WRe>) reported. The last-minute deal was announced the day closing arguments were set to begin in the 4-week-old trial.

Prosecutors have argued the businesses were responsible for the release of carcinogenic chemicals from three paper-mill disposal pits near the river between 1973 and 2008.

A split jury on Thursday cleared Memphis-based International Paper Co. of any responsibility for the toxic pollution. The waste in the pits was produced by **Champion Paper**, which merged with International Paper in 2000. The company used the chemicals at its now-closed mill to whiten paper. The Environmental Protection Agency says the compound is so toxic that there is no safe level of exposure.

"This case isn't about protecting the environment," Winstol "Winn" Carter, a Houston attorney representing International Paper, told the jury. "It's about penalties. They're accusing us of something we didn't do."

Prosecutors said the pollution prevented Harris County residents from using parts of the river for recreation or commercial fishing but didn't show anyone got cancer because of the waste.

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"This is about a company that did not handle its obligations under the law, and it should pay a penalty," said **Earnest Wotring**, an attorney representing Harris County. "If they don't have to pay, companies will do nothing about their pollution problems."

The companies installed a \$9 million armored cap on the submerged pits three years ago to contain the waste.

Rock Owens, who manages the environmental division of the Harris County Attorney's Office, says the county may appeal the verdict or file another lawsuit against International Paper.

"We're not going to take this lying down," Owens said.

Information from: Houston Chronicle, <http://www.houstonchronicle.com>

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NEWS

China emissions deal doesn't change much -- yet -- for coal industry

Published on NewsOK Modified: November 14, 2014 at 8:16 am • Published: November 14, 2014

It would seem coal's prospects dimmed this week after the United States and China announced an agreement on greenhouse gas emissions.

The pact between the world's two biggest economies marked a step toward international consensus ahead of climate change negotiations in Paris next year and was the first time China agreed committed to limit emissions. The international commitment by the U.S. could make it less likely to bend on domestic regulations calling for emission reductions.

The American Coalition for Clean Coal Electricity said the U.S. was on "the losing end" of the deal and that President Barack Obama was "shooting our economy in the foot." Incoming Senate Majority Leader Mitch McConnell called it an unrealistic plan that was part of the president's "ideological 'war on coal.'"

But the U.S. is already on the track toward comparable reductions in carbon dioxide through Environmental Protection Agency regulations on power plant emissions that will largely hit coal plants. In China, the government had already grown more concerned with pollution as its cities become known for choking smog, and its investments in alternative energy along with a maturing economy have already begun to change the country's direction.

In all, it doesn't seem like anything too new, said Kristoffer Inton, a financial analyst who follows the coal industry at Chicago-based Morningstar.

"We thought that Chinese coal usage was already peaking," Inton said. "That's largely due to the fact that they said they were going to increasingly use other sources: nuclear, renewables. That's already happening, the way they're building out. ... They're shifting more from an investment-led economy to a consumer-led economy, which in general is much less energy intensive."

Coal exports to developing countries are where some coal miners see the future. St. Louis-based Peabody Energy already sends coal from Australia there.

As it stands, the two countries don't have to do anything the agreement calls for, and there's plenty standing in the way of a binding pact. Still, it does have big political ramifications.

"I understand there are questions about how much the Chinese will actually do, but at the same time it deflates that argument that we're going to have to do this alone and China's not going to do anything," said William Lowry, a political science professor at Washington University who follows environmental issues.

Plus, he added, it's turning into good politics in this country. "It'll be a tough sell in a lot of states like Missouri, but there are a lot of places where this is going to resonate."

The proposal calls for China's emissions to peak by 2030 and for non-fossil energy usage there to rise to 20 percent by then. The U.S. pledged to reduce carbon emissions 26 to 28 percent below 2005 levels by 2025 — not far off the 30 percent reduction EPA's rule calls for by 2030.

The U.S.'s pledges appear to be made based on a calculation of what Obama and future presidents, using executive authority, can do without Congress, said Tim Profeta, director of the Nicholas Institute for Environmental Policy Solutions at Duke University. "It looks consistent with what we're already going to ask from the power sector under the proposed rules," he said.

The reductions outlined in the China agreement could make the administration less likely to accommodate utilities, such as St. Louis-based Ameren, that have said the EPA's proposal calls for too much too fast.

In a statement, American Coal Council CEO Betsy Monseu said the pledge between the two countries "only serves to reinforce the American Coal Council's concerns about the very negative impacts of EPA's proposed 111(d) carbon rule."

On the other hand, Peabody Energy, the largest privately owned coal miner in the world, actually found some parts of the agreement it liked.

While it still condemned the EPA's proposal, it praised wording in the China deal to continue research in carbon capture and storage and a commitment for a "major new carbon storage project" in China.

"We are pleased that the U.S., China and other ... ministers clearly accept the vital role coal plays in providing essential energy around the world," Peabody CEO Greg Boyce said in a statement.

The Coal Council was lukewarm about the new carbon capture project.

"The overwhelming reality here at home is that EPA's carbon rules for new and existing plants would inhibit industry's advancement of coal technologies in the U.S," Monseu wrote in an emailed statement.

Inton, at Morningstar, said carbon capture doesn't appear to be nearing the point of being economical anytime soon.

"Technology in general, if you put enough money into it, usually you can find a way," he said. "But in energy, there's a lot of other alternatives."